REMARKS

Claims 1-23 are pending in this application. Applicants have cancelled claims 21-23. Applicants have amended claims 1, 3-5, 8-13, and 17-19 to remove nonelected subject matter and to more clearly describe the claimed subject matter.

In a restriction requirement dated November 19, 2008, the Examiner required restriction under 35 U.S.C. § 121 between Groups 1-8:

Group 1: Claims 1 - 7 (each in part), and 8 - 15 and 17 - 20, drawn to methods comprising administering BCMA to a subject;

Group 2: Claims 1 - 7 (each in part), drawn to methods comprising administering an antibody against a BCMA ligand to a subject;

Group 3: Claims 1 - 7 (each in part), drawn to methods comprising administering an antibody against BCMA to a subject;

Group 4: Claim 16, drawn to a method for identifying a compound;

Group 5: Claims 21 and 23 (each in part), drawn to use of BCMA in preparation of a pharmaceutical;

Group 6: Claims 21 and 23 (each in part), drawn to use of an antibody against a BCMA ligand in preparation of a pharmaceutical;

Group 7: Claims 21 and 23 (each in part), drawn to use of an antibody against BCMA in preparation of a pharmaceutical; and

Group 8: Claim 22 (in its entirety) and 23 (in part), drawn to use of nucleic acid in preparation of a pharmaceutical.

The Examiner states that the groups "do not relate to a single general inventive concept under PCT Rule 13.1, because, under PCT Rule 13.2, they lack the same or corresponding technical features for the following reasons: the different groups are drawn to different technical features." The Examiner states, for example, that "Group 1 has the technical feature of administering a protein to a subject, which is not required for any of the other groups." The Examiner also states that "PCT Rule 13 does not allow for multiple methods in a single application."

Applicants provisionally elect Group 3, drawn to methods comprising administering an antibody against BCMA to a subject, with traverse. Claims 1-7 correspond to the provisionally elected group.

Applicants have amended claims 1 and 3-5 to remove the subject matter of Group 2. Applicants have also cancelled claims 21-23, corresponding to Groups 5-8.

Applicants traverse the restriction requirement as applied to Groups 1, 3, and 4. Applicants believe that the Examiner has misconstrued the unity of invention requirement articulated in PCT Rule 13. Applicants respectfully submit that the Examiner has reverted to U.S. restriction practice, rather than applying the international standard. See § 1893.03(d) ("Examiners are reminded that unity of invention (not restriction practice pursuant to 37 CFR 1.141 -1.146) is applicable in international applications (both Chapter I and II) and in national stage applications submitted under 35 U.S.C. 371.").

The Examiner correctly notes that the "single general inventive concept" requirement stated in PCT Rule 13.1 is defined in PCT Rule 13.2, but the Examiner does not follow that definition. PCT Rule 13.2 states that unity of invention exists if the claimed inventions share at least one "special technical feature." The Rule goes on to explain that "special technical features" are "those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the art." Thus, the key to analyzing unity of invention is considering what, if anything, the claimed subject matter has in common. The M.P.E.P. reiterates this emphasis: "When making a lack of unity of invention requirement [sic], the examiner must (1) list the different groups of claims and (2) explain why each group lacks unity with each

other group (i.e., why there is no single general inventive concept)." M.P.E.P. § 1893.03(d).

The subject matter of Groups 1, 3, and 4 readily satisfies this standard for unity of invention. The "technical feature" shared by these groups is use of a BCMA antagonist to treat a neurodegenerative immunological disorder. Groups 1 and 3 relate to treatment of such disorders by administering a soluble BCMA polypeptide or an antibody against BCMA, respectively. Group 4 relates to a method of identifying a compound for treatment of a neurodegenerative immunological disorder, comprising (inter alia) assessing the ability of the compound to antagonize BCMA. The concept of treating a neurodegenerative immunological disorder with a BCMA antagonist is among the "contributions which each of the claimed inventions, considered as a whole, makes over the prior art." Thus, under the definition provided in PCT Rule 13.2, the claimed methods share a "special technical feature" and satisfy the unity of invention requirement.

Rather than considering the "technical features" shared by the claimed methods, as required by PCT Rule 13 and the M.P.E.P., the Examiner has focused exclusively on the differences between the claimed methods. In short, the Examiner notes that each method requires a step that is not required by the other methods. But the Examiner's burden is not satisfied by merely identifying differences between the claimed methods. To raise a lack of unity objection, the Examiner must explain why the shared features of the claims do not constitute a "single inventive concept." M.P.E.P. § 1893.03(d). Applicants maintain that use of a BCMA antagonist to treat a neurodegenerative disorder is an inventive concept shared by Groups 1, 3, and 4. The Examiner has made no effort to explain why it is not.

Applicants also disagree with the Examiner's assertion that "PCT Rule 13 does not allow for multiple methods in a single application." Rule 13 contains no prohibition against claiming multiple methods.

In light of these remarks, Applicants respectfully request that the Examiner reconsider and withdraw the restriction requirement as applied to Groups 1, 3, and 4. If the Examiner does not withdraw the restriction requirement between all three of these groups, Applicants ask that the Examiner consider withdrawing the requirement between Groups 1 and 3.

Applicants believe that an extension of time is not required for entry of this response. However, in the event of an error, please grant any extensions of time required to enter this response and charge any required fees to deposit account 06-0916.

Respectfully submitted,

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